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| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/418,902 | KLEMP ET AL. | |
| | Examiner | Art Unit | |
| | Michele Kidwell | 3761 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE and Remarks filed 6/29/05 and Interview of September 12, 2005.
2. ☒ The allowed claim(s) is/are 1-7, 9, 11, 14-17, 76-79, 81 and 86-93.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|

Michele Kidwell
 Michele Kidwell
 Primary Examiner
 Art Unit 3761

INTERVIEW SUMMARY

The examiner contacted Mr. Amatong, attorney of record in the instant application, to discuss the cancellation of claim 81, which was inadvertently listed as allowed in the Final Rejection dated February 24, 2005 although a rejection of the claim was on record in the case. Mr. Amatong agreed to amend claim 81 to include the allowable subject matter of claim 1 which requires the second section to be disposed immediately subjacent the first section and the third section to be disposed immediately subjacent the second section by way of examiner's amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alberto Amatong on September 12, 2005.

The application has been amended as follows:

Claim 81. (Currently Amended) A disposable absorbent article having a pair of longitudinally extending side edges and a pair of end edges extending between said side edges, said article comprising;

a topsheet layer;

a backsheet layer;

an absorbent core disposed between said topsheet and said backsheet; and

a pair of end strips, each said end strip being fixed, along a longitudinal direction, at a position intermediate said core and one of said end edges and extending between said side edges, said end strip including at least three sections, each said section having an elasticity different from said other sections and a position different from said other sections,

a first section having generally elastic properties and laterally extending in generally parallel relation with said end edges, including

a second section [[disposed longitudinally inward of]] immediately subjacent said first section and extending in generally parallel relation therewith, said second section being characterized in that said first section is substantially more elastic than said second section, and

a third section positioned [[longitudinally inward of]] immediately subjacent said second section, said third section having an inward portion spaced away from said topsheet and said absorbent core; and

wherein said first section, said second section, and said third section form the entirety of said end strip.

The following is an examiner's statement of reasons for allowance: the overall claimed combination of an absorbent article including a pair of end strips with three sections each having an elasticity different from the other sections and a position different from the other sections in which the first section is substantially more elastic

than the second section and the second section is disposed immediately subjacent the first section and the third section is disposed immediately subjacent the second section has neither been anticipated nor rendered obvious by the prior art of record.

Likewise, an absorbent article comprising an end strip secured to each one of a front and back waist region wherein each end strip includes a fixed waist section and an elastic inward section wherein the inward section wherein the fixed waist section further includes an intermediate section having a plurality of voids provided therein has neither been anticipated nor rendered obvious by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday - Friday, 5:30am - 2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Michele Kidwell
Primary Examiner
Art Unit 3761

TATYANA ZALUKAEVA
PRIMARY EXAMINER

